

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

SAM STANCIEL,

Civil No. 06-3730 (PJS / SRN)

Petitioner,

ORDER

v.

CAROL HOLINKA, WARDEN,

Respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated January 7, 2008. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 (Doc. No. 1) is DENIED; and
2. This action is DISMISSED WITH PREJUDICE.

DATED: January 31, 2008.

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge